

APPEAL NO. 031308  
FILED JULY 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 24, 2003. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the seventh, eighth, or ninth quarters. The claimant appealed, asserting legal error. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to seventh, eighth, or ninth quarter SIBs. Section 408.142 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) establish the requirements for entitlement to SIBs. At issue is whether the claimant made a good faith job search commensurate with his ability to work each week of the qualifying periods, pursuant to Rule 130.102(d)(5) and (e). The claimant contends that calendar weeks should be used when reviewing job contacts for compliance with Rule 130.102(e), rather than consecutive seven-day periods from the beginning of the qualifying period. In Texas Workers' Compensation Commission Appeal No. 002163-s, decided November 1, 2000, we held that a claimant was not entitled to SIBs, when the documentation showed job contacts in each full calendar week of the qualifying period but not within every consecutive seven-day period from the beginning of the qualifying period. It is undisputed, in this case, that the claimant did not document job searches within every consecutive seven-day period of the qualifying periods. In view of the applicable law and the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **SAFECO INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**LEON CROCKETT  
1600 NORTH COLLINS BOULEVARD, SUITE 300  
RICHARDSON, TEXAS 75080.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Margaret L. Turner  
Appeals Judge